

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
July 24, 2018 Meeting Minutes**

The meeting was called to order at 7:00 p.m. by Chair Underwood. Present were Supervisors: Underwood, Phiel, Toddes and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle, Township Engineer Tim Knoebel and Secretary Carol Merryman. Also present were: Mary Grace Keller from the Gettysburg Times, representatives for Keystone Services and fourteen residents.

Chair Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the June 21, 2018 workshop meeting and June 26, 2018 regular meeting.

Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve the bills in the amounts of: \$107,613.73 from the General Fund, \$2,750.92 from the Escrow Fund, \$47,297.00 from the Fire Tax Fund, \$24,380.00 from the Capital Reserve Fund, \$45,000.00 from the Park and Rec Fund and a transfer of \$52,539.73 from the General Fund to the Health Insurance Account.

Public comment:

Jean Stone, 1745 Mummasburg Road, presented written and oral comments regarding the proposed building renovation. Mrs. Stone stated that she was surprised that with 24/7 police availability that the police office is empty 50-60% of the time and the accompanying frustration that must come from coming to the police station only to find it empty. She stated that non-emergency police assistance may be handled better via technology (phone, email or text) and suggested that a statement in this regard be added to the website. Mrs. Stone also stated that additional space for the police department is unnecessary, cost prohibitive and she asked the Board to spend tax dollars on upgrades that will help resolve real issues rather than just spending money for the sake of change.

Barry Stone, 1745 Mummasburg Road, stated that he does not feel that the building renovation is necessary at this time. He stated that the Township should be financially responsible to their current debts and future expenses such as MS4 regulations, Zoning Ordinance and Barlow-Greenmount Sewer Project along with the continuing expenses of the Police Department and road projects.

Antigoni Ladd, 215 Ridgewood Drive, handed out a flyer on a new committee that has been formed called the Cumberland Township Concerned Residents (CTCR) and explained that it is a group of citizens that want to get together once a month to discuss Township issues so they better understand them and can share their opinions.

Susan Sadowski, 1326 Fairfield Road, stated that she does not feel that the Township has given the public enough information about the planning and assessments for parts of the concept design plan for the building renovation including the 12 ft. extension and single-source entryway. She added that she does not see the value of moving the police station to the front if there is not someone on duty at least guaranteed during office hours. Ms. Sadowski also encouraged the Board to use technology and asked to see the specific Needs Assessment Studies to support the latest combined design plan. She added that if this information has not yet been done then there is no basis for costly major building renovations and there are other alternatives that could meet the needs of the Township.

Mr. Al Ferranto, 501 Knight Road, commented on last year's tax increase and future tax increases for a \$500,000.00 line item for a building renovation that was never vetted and he feels is not necessary. Mr. Ferranto stated that the safety factor is highly exaggerated and the Township staff would be a lot safer not

being in the same building as the Police Department. Mr. Ferranto stated that the Police are on the road and don't need their own offices and the Township currently has debt for the Maintenance Building etc. and does not need more. Mr. Ferranto asked that all meetings on the building renovation be held at night. Mr. Ferranto also asked the Supervisors to have competitive bidding for the health insurance and the bids and contract be read and understood prior to it being voted on. Mr. Ferranto reiterated his feelings about having all Township meetings at night so residents can have input and there should not be a five minute limit on residents' speaking.

Speros Marinos, 912 Baltimore Pike, stated that we need a county police force because other Townships are using Cumberland's resources and not contributing anything for them. He added that the Police Department did a great job during Bike Week, Bike Week erodes his business and he wonders if the Township gets enough compensation from this event to cover the costs.

Monica Jordan, 470A Solomon Road, stated that she is part of the CTCR and she will be administering a Facebook page and she invited the Board to participate in the group.

Engineer/Plans:

Mr. Knoebel asked that the request for release of financial security for Grandview Station be left on the agenda because they have not submitted their as-built plan yet.

Mr. Knoebel also reported that the Township received a request for release of financial security from Shentel for 14 Willoughby Run Road and this project has been completed for a number of years and he recommended that it be returned. He added that the amount being released is \$11, 908.25. **Mr. Paddock made a motion seconded by Mr. Toddles and carried to release financial security to Shentel in the amount of \$11,908.25.**

Mr. Knoebel asked that the release of the maintenance bond for Cumberland Village Phase 1A remain on the agenda because they have one item left to complete which they should have completed in the next couple of weeks.

Mr. Knoebel also reported that the Township received a request from Cumberland Crossings at the Links for a bond reduction (request #1). Mr. Knoebel prepared a memo dated July 24, 2018 recommending that \$1,029,107.00 be retained which would correspond to a reduction of \$238,247.00. **Mr. Phiel made a motion to approve a bond reduction, in the amount of \$238,247.00, retaining \$1,029,107.00, for Cumberland Crossings at the Links seconded by Mr. Paddock and carried.**

Mr. Knoebel reported that the Township has received a Request for Extension from Gettys Point for their proposed Land Development Plan at the corner of Table Rock and Boyd's School Roads until October 31, 2018. **Mr. Toddles made a motion to approve the Request for Extension for Gettys Point Land Development Plan until October 31, 2018 with the condition that their representative be present if another extension is requested to update the Board on their progress with this project. The motion was seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Township has received a Request for Sewage Planning Exemption from The Inn at White Oak. He explained that the Inn is located on a private drive off of Biglerville Road and they have been working with Cumberland Township Authority to get hooked onto the public sewer. Mr. Knoebel added that the Authority has provided a "Willingness to Serve" letter. The Planning Exemption along with the letter goes to Pa. Dept. of Environmental Protection for their review and once approved the applicant can move forward. **Mr. Toddles made a motion to approve the Sewage Planning Exemption for The Inn at White Oak seconded by Mr. Paddock and carried.**

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of June, 2018 including: 354 complaints - Psych/suicide-4, Disturbances-7, Assault/Harassment-5, Domestic-9, Criminal Mischief-0, Suspicious Activity-15, Thefts-0, Alarms-6, Medical Emergency-8, 911 Hang Up-3, Cruelty to Animals – 0, Wanted Person – 2, Reported Drug Activity – 1, Welfare Checks – 12, Shots Fired – 1, Fraud – 0, Burglary – 0, Sexual assault-4, Follow-up Investigation-48, SRO Calls - 0; 111 traffic stops, 114 combined arrests, 15 traffic accidents, 28 targeted enforcements and 8,571 patrol miles. He added that they assisted other agencies 13 times and they were assisted four times. Assists to Pa. State Police were in Straban, Mt. Joy and Franklin Townships. Police Chief Boehs reported that they had 66 walk-in complaints. Police Chief Boehs added that the new patrol vehicle will be arriving Monday; should be ready to go on the street in two or three weeks and the 2014 Chevy Tahoe will be listed for sale.

Active Business:

Mr. Thomas reported on the workshop items that were discussed including: a complaint about 1915 Herr's Ridge Road (the Township will monitor the property), the new Pa. Fireworks Law (no action taken) and Air B and B's for future zoning review (Michele Long to research). Please refer to the July 19, 2018 Minutes for details.

Mr. Thomas reported that the National Park Service notified the Township of some minor boundary revisions. He added that all parcels are owned by non-profit conservation organizations and have given their consent to be included in the National Park boundary.

Mr. Thomas also reported that the Township received a letter from the Cumberland Township Historical Society asking the Township to participate in a program in June 2019 celebrating the Township's 270th anniversary. **Mr. Paddock made a motion to participate seconded by Mr. Toddes and carried.**

Mr. Thomas reported that the Township received information on possible grouping contracts with Adams County or Adams County Council of Governments (COG) for future bridge repairs or replacement. He added that the information is being reviewed by the Superintendent of Roads, Chris Walter, and more information will be presented at the next meeting.

Mr. Thomas reported that there was recently a seminar held on the FEMA Flood Insurance Program and the Township will be providing the outreach to the community for the floodplain maps and the Township does have these maps if anyone would like to see them. He added that the Township must appoint a liaison. **Mr. Paddock made a motion to appoint Mr. Thomas as the liaison for the FEMA Flood Insurance Program seconded by Mr. Phiel and carried.**

Solicitor: Solicitor Wisner reported that he met with the Adams County Office of Planning and Development to see how the Township could help keep the Joint Comprehensive Plan process moving and there may be another meeting needed. He added that he will be getting more information from the Planning Office and will get back to the Chair and Manager to determine if an addition meeting is needed.

Solicitor Wisner also reported that he is finalizing the COMCAST Franchise Agreement and hopes to have a document to present to the Board and public at the next meeting.

KSS Land Development Plan – As-Built Plan Review – Compliance update

Mr. Knoebel reported that he had prepared a letter dated July 18, 2018 that was discussed in detail at the workshop and the developer's representatives really had not had time to review it. He stated that there was not much more for him to say, but the Township did need to hear from the developer's representatives regarding his letter. Mr. Thomas also suggested that the Board see pictures from the neighbors.

Mrs. Nita Gross, 938 Barlow-Greenmount Road, stated that she has submitted their fifth official stormwater complaint to the Township at the meeting on June 26, 2018 after their home was flooded by run-off from the KSS property on Sunday, June 24, 2018. She added that little has happened since the last meeting and their garage has been flooded three times since. Mrs. Gross stated that Mr. Knoebel's June 28, 2018 letter directed KSS to take many actions to help alleviate the flooding onto the Gross's property but, unfortunately, only two of the actions were taken. Mrs. Gross reported that many pictures and videos were sent to the Township along with their last complaint to document the flooding problem. She added KSS has taken no action to prevent flooding of their property even though they have stated that they want to be good neighbors and it is ironic that this is a company that is supposed to specialize in helping people. She ended by stating that there needs to be action now to rectify the issues.

Mr. Brett Woodburn, legal counsel for KSS, stated that the silt sock was put in place and many of the items requested by Mr. Knoebel need to be approved on a plan. Mr. Woodburn stated that because of the request (not a requirement) for the increased swale and berm they are taking on water from the neighboring property on the uphill side and water from the street. He added that they have plans with them tonight that will increase the size of the pond, will not increase the amount of disturbance and will retain all of the extra water that they are taking on. He added that the French drain is on the plan and when weather permits they will implement the changes that require them to move dirt. He also stated that we are not experiencing normal rain conditions, the swale is working the way it is supposed to work and the water that is going onto their property is less than it would have been. He ended by stating that they are prepared to make the improvements once Mr. Knoebel has approved the plan and weather permits.

Mr. Knoebel stated that they understood that the plan needed to be approved, but they were looking for interim (temporary) measures to keep the water from going towards the neighbor's garage and instead taking it to the back of the KSS property. **Mr. Toddles made a motion to authorize the Township Engineer to authorize whatever temporary measures are necessary and prudent to mitigate the existing stormwater concern seconded by Mr. Paddock and carried.** Mr. Knoebel asked the contractor to contact himself or Leah Heine (in his absence) for authorization of the temporary measures.

Solicitor Wisner stated that the Township has the ability to issue a "Notice to Cure" under the Township's developer's agreement and he recommended that the Board exercise their right to do so recognizing that the process is underway and will continue. Solicitor Wisner added that this will start the timeframe for mandatory compliance. **Mr. Toddles made a motion to authorize the issuance of the "Notice to Cure" the issues identified by the Township Engineer with the KSS development in accordance with the Developer's Agreement seconded by Mr. Paddock and carried.**

Mr. Woodburn stated that his contractors will be in contact with Mr. Knoebel tomorrow.

Mr. Doug Gross, 938 Barlow-Greenmount Road, confirmed that the KSS project will comply with all Zoning requirements when completed. Solicitor Wisner stated that the project must comply with all Zoning and Subdivision and Land Development ordinances unless there is a variance granted.

Mr. Brian Fitzgerald, Barlow-Greenmount Road, stated that he lives in the next house down from the Gross's and he never had water issues before the KSS project was built and this year he can't even use his field in the backyard that he has used for the past 18 years. He added that he has oak trees in the backyard that are dying from the excess water and who is going to be responsible for that?

Committee Reports and comments from Board Members:

Finance – Chair Underwood reported that The Township has a funding request from Barlow Fire Department but are waiting on information from Gettysburg Fire Department so they are tabling this until next month.

Highway – Mr. Thomas reported that the projects are going well and there have been joint projects with

other municipalities that save the taxpayers money.

Parks and Recreation – Mr. Toddes reported that things are going well at the park and there are a lot of activities going on. They put in a Pickle Ball court and there are some fund raisers coming up.

Building and Grounds – Chair Underwood reported that we are waiting to get the combined plan.

CTA – Mr. Toddes reported that they are waiting for the pro-forma report on the Greenmount Sewer Study and they received the grant money for the Fairfield Road pipe-bursting project.

COG – Chair Underwood reported that the COG meets Thursday morning at 8:30 and there will be a presentation by Community Media.

Personnel, Public Safety, Highway, Planning and Zoning, Economic Development – No reports.

Mr. Thomas announced that the next e-cycling event will be held on Saturday, September 15, 2018 from 8:00 a.m. to 10:00 a.m. at Abbottstown Borough’s Rec Park and this information is on our website.

The Zoning Officer and Secretary/Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:40 p.m. for a brief Executive Session with no report to follow.

Carol A. Merryman, Secretary

_____)
_____)
_____) Supervisors
_____)
_____)